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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,701	10/16/2001	Nobuhiro Ikeda	35.C15877	3756

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FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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SWERDLOW, DANIEL

ART UNIT	PAPER NUMBER
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2615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/977,701

Applicant(s)

IKEDA, NOBUHIRO

Examiner

Daniel Swerdlow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7,8,12,14-16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) 7,8,14,15 and 20-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,12,16,18 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 October 2006 has been entered.

### *Election/Restrictions*

In the response filed on 10 October 2006, applicant requests clarification of the restriction made in the final Office action mailed on 7 July 2006 in response to applicant's amendment filed 24 April 2006. In that amendment Claims 7 and 20 were amended as follows:

7. (Currently Amended) A management device comprising:

wireless communication means for wireless communication with ~~plural~~ a communication control devices device;

memory means for storing identification data for identifying said ~~plural communication control devices~~ management device;

connection means for connecting a management center through a communication network; and

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registration means for registering, in said memory means, identification data received by said wireless communication means from ~~one of said plural~~ communication control device, for identifying said ~~plural communication control devices~~ management device.

2. As such, it is clear that the scope of the claim before amendment was a management device in which data identifying communication control devices is received from the communication control devices and stored in the management device while after amendment it was a management device in which data identifying the management device itself is received from a communication control device and stored in the management device. Similarly, Claim 20, which was newly added in the same amendment recites a method performed by a management device including storing "in a memory [of the management device], identification data received from one of said plural communication control devices via the wireless communication, for identifying said management device". Prior to the amendment, all claims were directed to a management device receiving data for identifying itself from a management center and/or data identifying a communication control device from a communication control device. There were no claims directed to a management device receiving data for identifying itself from communication control device. Because the claims were amended to include a scope that was mutually exclusive with and distinct from the scope of the claims that had been previously presented, the restriction requirement is proper and is maintained.

3. Further, the amendment filed on 10 October 2006 and entered with the RCE filed on 7 November 2006 does not cure the mutual exclusivity and distinctness of the claims from those

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originally presented. As such, Claims 7, 8, 14, 15 and 20 through 23 remain withdrawn from consideration.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4, 5, 16 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Jacobson, Jr. (US Patent 6,424,660).

6. Regarding Claim 1, Jacobson discloses a reception device (Fig. 1, reference 110, 112, 114, 116, 118; Fig. 2, reference 200) and system controller arrangement (Fig. 1, reference 120; Fig. 3, reference 300) that corresponds to the management device claimed and comprises: transmit logic (Fig. 3, reference 306) that corresponds to the wireless communications means claimed and communicates wirelessly with component devices that inherently include wireless interfaces that correspond to the communications control device claimed (column 5, lines 20-24, 31-36); receiver identifier storage (Fig. 2, reference 206) that corresponds to the memory means claimed and stores a receiver identifier that identifies the reception device and corresponds to the first identification data claimed; a target address (column 3, lines 18-22) that corresponds to the first identification data claimed and identifies the target component wireless interfaces that

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correspond to the communications control device claimed (column 5, lines 20-24, 31-36); an IR receiver (Fig. 2, reference 202) that corresponds to the reception means claimed and receives data from a remote control device (220) that corresponds to the management center claimed via an IR signal that corresponds to the communication network claimed; and identifier control logic (Fig. 2, reference 208) that corresponds to the registration means claimed and allows receiver identifiers and target address that correspond to the identifying data claimed and received by the IR receiver (Fig. 2, reference 202) that corresponds to the reception means claimed to be stored (i.e., registered) in the receiver identifier storage (Fig. 2, reference 206) that corresponds to the memory means claimed (column 4, lines 25-32).

7. Regarding Claim 2, Jacobson further discloses component devices (column 2, lines 49-65) that correspond to the peripheral device claimed and are controlled (i.e., managed) by communication from the transmit logic (Fig. 3, reference 306) that corresponds to the wireless communications means to the wireless interfaces of the component devices that correspond to the communications control device claimed (column 5, lines 20-24, 31-36).

8. Regarding Claim 4, Jacobson further discloses the reception device (Fig. 1, reference 110, 112, 114, 116, 118) and system controller arrangement (Fig. 1, reference 120) that corresponds to the management device claimed being installed in multiple rooms of a residence (i.e., functioning as a base wireless station) while the target component wireless interfaces that correspond to the communications control device claimed (column 5, lines 20-24, 31-36) are part of portable devices (i.e., function as a mobile wireless station) (column 2, lines 49-65).

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9. Regarding Claim 5, Jacobson further discloses a plurality of target components, the inherent wireless interfaces of which correspond to the plurality of communications control device claimed) (column 2, lines 49-65).

10. All elements of Claims 16 and 19 are essentially comprehended by Claims 1, 2 and 5. As such, Claims 16 and 19 are rejected on the same grounds as Claims 1, 2 and 5.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson in view of Seo (US Patent 5,764,281).

13. Regarding Claim 12, Seo discloses a remote control system that prompts a user for a password (i.e., requests identification data from a management center) and receives a password from a user (i.e., input means for inputting a password) (column 4, lines 20-32). Seo further discloses that such an arrangement prevents presentation of unsuitable content to users (column 6, lines 14-20). It would have been obvious to one skilled in the art at the time of the invention to apply password request and input as taught by Seo to the system taught by Jacobson for the purpose of realizing the aforesaid advantage.

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14. All elements of Claim 18 are essentially comprehended by Claim 12. As such, Claim 18 is rejected on the same grounds as Claim 12.

### ***Response to Arguments***

15. Applicant's arguments filed 10 October 2006 have been fully considered but they are not persuasive.

16. On page 11 of the response, applicant alleges that Jacobson fails to disclose registering, in a memory, first data received for identifying a management device and second data received for identifying a communication control device, as claimed in Claims 1 and 16. Examiner respectfully disagrees. As shown in the prior art rejections above, Jacobson discloses receiver identifiers and target address that correspond to the identifying data claimed being received by the IR receiver (Fig. 2, reference 202) and stored (i.e., registered) in the receiver identifier storage (Fig. 2, reference 206) that corresponds to the memory claimed (column 4, lines 25-32).

17. Applicant's arguments with respect to the withdrawn are moot in view of the maintained restriction.

### ***Conclusion***

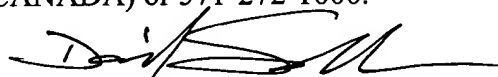
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 571-272-7531. The examiner can normally be reached on Monday through Friday between 7:30 AM and 5:00 PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel Swerdlow  
Primary Examiner  
Art Unit 2615

ds

17 January 2007